

and libel for seizure and condemnation was duly filed, with the result hereinbefore stated.

H. W. WILEY,  
F. L. DUNLAP,  
GEO. P. McCABE,

Approved: *Board of Food and Drug Inspection.*

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *March 13, 1909.*

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(N. J. 47.)

### MISBRANDING OF MAPLE SIRUP.

(AS TO PRESENCE OF MAPLE SIRUP.)

In accordance with the provisions of section 4 of the Food and Drugs Act of June 30, 1906, and of regulation 6 of the rules and regulations for the enforcement of the act, notice is given that on the 27th day of November, 1908, in the district court of the United States for the northern district of Ohio, in a prosecution by the United States against H. Y. Scanlon, doing business at Cleveland, Ohio, under the name of the Western Reserve Syrup Company, for violation of section 2 of the aforesaid act in shipping and delivering for shipment from Ohio to Michigan a misbranded sirup, that is to say, a sirup contained in bottles labeled "Western Reserve Ohio Blended Maple Syrup. This syrup is made from the sugar maple tree and cane sugar and guaranteed to be in accordance with the National Pure Food Laws. Western Reserve Syrup Co., Cleveland, O.," which was not a blended maple sirup, but a cane sugar sirup flavored with maple extracted in the factory of the producer from wood of parts of maple trees, the defendant having entered a plea of not guilty, and the case having been submitted to the court upon testimony and argument of counsel, the court found for the United States and sentenced the defendant to pay a fine of \$50 and costs.

#### FINDING, OPINION, AND JUDGMENT OF THE COURT.

IN THE DISTRICT COURT OF THE UNITED STATES, NORTHERN DISTRICT OF OHIO, EASTERN DIVISION.

THE UNITED STATES, <i>Plaintiff,</i>	} No. 3284. Opinion, Nov. 27, 1908.
<i>vs.</i>	
H. Y. SCANLON, <i>Defendant.</i>	

TAYLER, J. (orally):

A cursory examination of this label—that is the only examination that the ordinary customer makes, and that is the examination which is controlling in a case of this kind—presents the suggestion, if it does not carry with it the absolute statement, that this bottle contains Ohio maple syrup; but a careful scrutiny discloses, between the red words "Ohio" above and "Maple Syrup" below, a blue word "Blended," and then, below that, in smaller type, the statement that "This syrup is made from the sugar maple tree and cane sugar."